

**CLARKE COUNTY  
PLANNING COMMISSION  
MINUTES  
2010 November 5**



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, November 5th of 2010.

Chair Ohrstrom called the meeting to order at 9:05 a.m.

**ATTENDANCE**

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Clay Brumback, Tom McFillen, Beverly McKay, Cliff Nelson, Chip Steinmetz, Richard Thuss, and Bob Wade.

**ABSENT**

A.R. Dunning, Jr.

**STAFF**

Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator, and Debbie Bean, Recording Secretary.

**APPROVAL OF AGENDA**

The Commission voted unanimously to approve the agenda

**Yes:** Brumback, Caldwell (moved), McFillen, Nelson (seconded), Ohrstrom, Steinmetz, Thuss, and Wade

**No:** No one

**Absent:** Dunning and McKay

**APPROVAL OF MINUTES**

The Commission voted unanimously to approve the briefing meeting minutes of 2010 September 28.

**Yes:** Brumback, Caldwell (moved), Nelson, Ohrstrom, Steinmetz, Thuss (seconded), and Wade

**No:** No one

**Absent:** Dunning and McKay

**Abstained:** McFillen

The Commission voted unanimously to approve the regular meeting minutes of 2010 October 1.

**Yes:** Brumback, Caldwell (moved), McFillen (seconded), Nelson, Ohrstrom, Steinmetz, Thuss, and Wade

**No:** No one

**Absent:** Dunning and McKay

**ZONING ORDINANCE TEXT &**

**ZONING MAP MENDMENT - SET PUBLIC HEARING**

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance and Zoning Map:

Section 3-A-1-a, Permitted Uses and Structures in the AOC Zoning District, so as to show "as specific Special Uses and to delete the Special Use "Institutional Uses";

Section 3-A-1-b, Lot Requirements in the AOC Zoning District, so as to increase the minimum lot area for uses other than single-family homes from two to three acres;

Section 3-A-2-a, Permitted Uses and Structures in the FOC Zoning District, so as to show "Churches and other places of religious assembly (with a maximum seating capacity of 200 people)", "Historic Structure Museums", and "Passive Use Public Parks" as specific Special Uses and to delete the Special Use "Institutional Uses";

Section 3-A-2-b, Lot Requirements in the FOC Zoning District, so as to increase the minimum lot area for uses other than single-family homes from two to three acres;

Section 3-A-3-a, Permitted Uses and Structures in the Rural Residential Zoning District, so as to show “Churches and other places of religious assembly (with a maximum seating capacity of 200 people)”, “Historic Structure Museums”, and “Passive Use Public Parks” as specific Special Uses and to change the Special Use “Institutional Uses” to “Community Services”;

Section 3-A, establishment of a new zoning district: ‘Community Services (CS)’, so as to create a tool to provide for local community services that are owned and/or operated by governmental entities or entities that are non-profit or not for profit, including Churches, Community Centers, Fire and/or Rescue Squad Facilities, Government Offices, Libraries, Museums, Playgrounds/Parks/Recreational facilities, Sewage & Water Treatment Works, Schools for day students (grades K4 through 12).

Section 3-A-12-a, Permitted Uses and Structures in the Neighborhood Commercial Zoning District, so as to show “Churches and other places of religious assembly” as a specific Principal Use and to change the Principal Use “Institutional Uses” to “Community Services”;

Section 3-A-12-c, Neighborhood Commercial Yard Setbacks, so as change minimum street setbacks to maximum setbacks on parcels of less than 1.5 acres and no required street setbacks for parcels of 1.5 to 3 acres,

Section 3-A-12-d, Neighborhood Commercial Maximum Height, so as limit structure height to two stories in addition to 30 feet,

Section 3-A-13-a, Permitted Uses and Structures in the Highway Commercial Zoning District, so as to show “Churches and other places of religious assembly” as a specific Principal Use and to change the Principal Use “Institutional Uses” to “Community Services”;

Section 3-A-13-e, Highway Commercial Maximum Height, so as limit structure height to three stories in addition to 40 feet;

Section 3-C-2, Supplementary Regulations for Uses in Various Districts, so as to modify the regulations for Country Inns, so as that the maximum number of guest rooms is increased from 12 to 15;

Section 9-B, Definitions, so as to establish a definition for the terms: “Churches and other places of religious assembly”, “Museums of Historic Structures”, and “Passive Use Public Parks”, to change the term: “Institutional Uses” to “Community Services”, and revise the definition of this use, and to delete a portion of the definition of “Country Inns”, transferring this text to Supplementary Regulations.

The Clarke County Planning Commission will consider the amendment of the County Zoning District Map to rezone: from the AOC Zoning District to Community Services Zoning District,

**Tax Map Parcels:**

13-((A))-13A	Humane Foundation	10.0 acres
13-((A))-59	County Maintenance	9.0 acres
13-((A))-59A	County Administrative Services	3.1 acres
13-((A))-61	County School Board	46.7 acres
13-((A))-62	Chet Hobert County Park	107.6 acres
29-((A))-16, 17A	Powhatan School	20.2 acres

and

from the FOC Zoning District to Community Services Zoning District,

**Tax Map Parcels:**

37A1-((1))-31, 32, 33	Property Owners of Shenandoah Farms	1.8 acres
37A1-((1))-34, 35, 36, 37	Shenandoah Farms Volunteer Fire Department	2.5 acres
TA-10-05 RZ-10-02		

Mr. Johnston stated that the above amendments are intended to address issues related to different types of institutional uses in the rural areas of the county. He said that, the zoning regulations for the AOC and FOC Zoning Districts allow a variety of institutional uses. He stated that in order to limit such uses in the rural areas of the County the above amendments are being proposed.

Commissioner McKay entered the meeting

Some members of the Planning Commission had concerns regarding the establishment of a new Community Services Zoning District that would be in spots all over the County. Commissioner Steinmetz said that this reminds him of a solution trying to find a problem.

Michael Hobert, Chair of the Board of Supervisors was present and stated that the Board wanted the input of the Planning Commission on this matter.

Commissioner Caldwell suggested that the Commission should further review portions of this proposed amendment. By consensus, the Commission agreed to a special work session meeting for the committee of the whole which was set for 2010 November 15 at 6:00 p.m. regarding the Institutional uses aspect of the proposed changes. Commissioner Caldwell said that she felt that the portions of the proposed changes that were not related to the Institutional use questions could move forward to a public hearing.

There being no further discussion, the Commission voted unanimously to set public hearing for the next regular Planning Commission meeting on 2010 December 3 on the following items:

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 3-A-12-c, Neighborhood Commercial Yard Setbacks, so as change minimum street setbacks to maximum setbacks on parcels of less than 1.5 acres and no required street setbacks for parcels of 1.5 to 3 acres,

Section 3-A-12-d, Neighborhood Commercial Maximum Height, so as to limit structure height to two stories in addition to the current limit of 30 feet,

Section 3-A-13-e, Highway Commercial Maximum Height, so as to limit structure height to three stories in addition to the current limit of 40 feet;

Section 3-C-2, Supplementary Regulations for Uses in Various Districts, so as to modify the regulations for Country Inns, so as that the maximum number of guest rooms is increased from 12 to 15;

Section 9-B, Definitions, so as to delete a portion of the definition of "Country Inns", transferring this text to Supplementary Regulations.

**Yes:** Brumback, Caldwell (moved), McKay, McFillen, Nelson, Ohrstrom, Steinmetz (seconded), Thuss, and Wade

**No:** No one

**Absent:** Dunning

#### **TEXT AMENDMENT – SET PUBLIC HEARING**

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 4-I-2, Signs Prohibited, so as to prohibit signs that change displays frequently and that move, revolve, twirl, rotate, or flash and to state that no prohibited sign may be illuminated;

Section 4-I-5, Nonconforming Signs and Removal, so as to state that no nonconforming sign shall be replaced; and

Section 4-I-9, Sign Definitions, so as to establish definitions for the terms: 'Animated Signs', 'Changeable Message Signs', 'Electronic Display Signs', and 'Time & Temperature Signs'. TA-10-09

Mr. Johnston explained this request. He stated that these amendments would preclude signs with highly variable messages that change color and with displays or messages that have any sort of movement. He said that the proposed amendments also state that prohibited signs (such as billboards) cannot be illuminated in any manner or replaced. He said the Board of Supervisors is requesting that this matter be put on the Board's 2010 November 16 agenda to set public hearing for their 2010 December 21 meeting. Commissioners McFillen and Steinmetz and others stated that the limit on changing messages to not more than once every 24 hours was too restrictive. After reviewing this matter the Commission decided the amendment should prohibit any sign on which the display or message changes more frequently than once every five minutes and that time and temperature signs could change every 5 seconds.

There being no further discussion, the Commission voted unanimously to set public hearing for this amendment as modified for the next regular meeting of the Commission on 2010 December 3.

**Yes:** Brumback, Caldwell (seconded), McKay, McFillen (moved), Nelson, Ohrstrom, Steinmetz, Thuss, and Wade

**No:** No one

**Absent:** Dunning

### **Board/Committee Reports**

#### **Board of Supervisors**

Mr. Johnston reported that at the 2010 October 19 Board of Supervisors meeting the Board set public hearings for the 2010 November 16 meeting on the zoning map amendment and text amendments that had been recommended by the Commission.

**Sanitary Authority** No report.

**Board of Septic & Well Appeals** No report.

#### **Board of Zoning Appeals**

Commissioner Caldwell stated that there is a public hearing scheduled on 2010 November 30. The Elizabeth C. Clark Foundation, LLC and William H. & Karen Eyles (Mt. Airy Farm) are appealing the Zoning Administrator's determination that the kennel located on the subject property is a commercial boarding kennel.

#### **Historic Preservation Commission**

Commissioner Nelson stated that Clermont Trust is sponsoring a conference in the Spring of 2011 concerning Clermont. He said the Historic Brochures are being reviewed for update. He stated that bids on the Greenway Court Rehabilitation Project were due on October 12<sup>th</sup> and that the work would be done based on specifications developed by Stephen Mallory of Mount Vernon. He stated that the Commission is hoping a contractor could start work in November.

#### **Conservation Easement Authority**

Chair Ohrstrom stated that the fall newsletter is going out with the 2<sup>nd</sup> half property tax bills in November. He stated that this effort began in 2006 and has resulted in a significant increase in donors and donations.

#### **Natural Resource Activities – Alison Teetor**

Commissioner Thuss stated he would be interested in Ms. Teetor giving a report summary regarding the conference she attended regarding Marcellus Shale in the Shenandoah Valley. The Chair said he attended most of the conference and shared what he learned. Mr. Johnston said he had attended previous briefings on this topic. He said that Marcellus Shale is a significant potential source of natural gas, but the process for extracting the gas, known as fracing, could have negative environmental impacts. He said this formation did not occur in Clarke or Warren Counties, but that it constituted the floor of Fort Valley in Shenandoah County as well as the valleys in western Shenandoah and Frederick Counties. He said that Clarke's groundwater and economy could be indirectly impacted.

#### **Enforcement Officer - Enforcement Officer**

Ms. Olin's progress reports for 2010 October 1 2010 October 25 were reviewed.

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 11:05 a.m. until the next regular meeting of the Commission scheduled for 2010 December 3.

---

George L. Ohrstrom, II, Chair

---

Charles Johnston, Clerk

Minutes prepared by Debbie Bean

Clarke County Planning Commission

Regular Meeting Minutes  
2010 November 5

Page 4 of 4